



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Public Notice Number: 200275599

Date: February 5, 2003

Comments Due: March 6, 2003

In reply, please refer to the Public Notice Number

TO WHOM IT MAY CONCERN:

SUBJECT: Application for a Department of the Army permit under authority of Section 404 of the Clean Water Act (CWA) and for water quality certification under Section 401 of the CWA to impact up to 2.339 acres of jurisdictional waters associated with a planned unit development of 488 acres of land known as the Lakota Canyon Ranch.

APPLICANT: Lakota Canyon Ranch Development, LLC, 1000 Club House Drive, Post Office Box 230, New Castle, Colorado 81647, Attention: Mr. Jim Colombo

LOCATION: The Lakota Canyon Ranch is located approximately 1 mile northeast of the Town of New Castle, within Sections 20, 29 and 32, Township 5 South, Range 90 West, Garfield County, Colorado, as shown on the attached vicinity map.

PURPOSE: To develop a residential golf course community for the Town of New Castle, Colorado. The development project consists of 714 residential units situated on 376 usable acres. The residential portion will be phased into 6 or 7 filings over a period of 5-8 years with final build-out estimated at 20 years. Additionally, up to 100,000 square feet of commercial development, a recreation center, swimming pool, a 6-acre neighborhood park with tennis courts, 48 acres of public open space, 12 acres of parkland and approximately 40 acres dedicated to wildlife are considered for development, in addition to an 18-hole public golf course. The golf course will include a clubhouse, maintenance building and cart barn. Water rights for the course will be provided from the rights owned by the applicant.

According to the applicant, the purpose of the development is to provide residential housing and meet the documented growing demand for golf rounds in the New Castle area. The applicant has provided support letters from the Town of New Castle for all aspects of the development and has referenced a completed market analysis for the proposed course.

PROJECT DESCRIPTION: The project is located on a portion of the historic Faas Ranch on generally south-facing slopes between approximately 5,700 and 6,200 feet in elevation. The project site consists of pastures and hay meadows in its southern end, with sagebrush and pinon/juniper plant communities on hillsides and in the northern portion of the site. Oak occurs at higher elevations.

The project site is split by natural topography by two small unnamed tributaries (Figure 2A). These drainages are referred to as the "western drainage" and "eastern drainage" and generally flow from a north to south direction. The western drainage is intermittent and the channel bed ends at the valley bottom with no connection to the Colorado River. The eastern drainage is ephemeral with direct tributary connection to the Colorado River.

Of the 488 acres on the property, 112 (23%) acres will remain as native vegetation and will not be used for development. The golf course development is proposed to impact 2.339 acres of wetlands, 1,170 linear feet of active channel and 0.068 acres of aquatic habitat from the placement of fill. The development of the golf course impacts wetlands in 18 different locations (Figures 2B-2G). The impacts result from the development of fairways, greens, cartpaths, road crossings and an irrigation pond, with 10 of the areas comprising minimal acreage impacts ranging from 0.001 acre to 0.096 acre. Seven (7) of the golf course impacts are somewhat larger including the fairway impact at Hole #1 at 0.527 acre, the cart path and green impacts at Hole #3 at 0.102 acre, fairway and cart path crossing impacts at Hole #4 at 0.260 and fairway impacts at Hole #12 at 0.185 and 0.397 acres, respectively (Figures 3A-4B). The last impact is a temporary construction impact of 0.001 acre of wetland for sewer line access at Holes #13 and 14.

Other impacts include road crossing impacts north of Hole #14 at 0.111 acre (Figure 3L) and aquatic habitat impacts near Hole #15 at 0.365 acre (Figure 3M). Although the acreage of each impact is relatively minor, the number of sites, eighteen (18) appears high. This results from the linear distribution of drainage impacts relative to the placement and orientation of the golf course within the east and west drainages. The site is not dominated by wetland communities, rather the reader should understand that the golf course is situated adjacent to the relatively small wetland and channel communities with only 6.68 acres of wetlands on the 488 acre property. The wetlands that will be impacted are primarily low to moderate functioning wetlands with no identified high functioning wetlands within the project boundaries.

The project will also impact two (2) aquatic habitats on the property. The impacted aquatic habitats on the property are unvegetated irrigation or stock ponds for livestock. These areas are generally low value habitats with the stock ponds overrun with weeds during low water volumes in dry periods. Stock ponds were considered jurisdictional when they are placed or originally constructed in wetlands or active channel areas.

ALTERNATIVES: The no action alternative must be considered in any permit process. The no action alternative assumes that a Department of the Army permit would not be issued and the applicant would not construct the golf course where impacts to waters of the United States would occur. Under the no action alternative, we would assume that either the existing ranching operations would continue, an unlikely scenario, or that the property would be developed into 35 acre lots under State Senate Bill 35 revisions which allow a subdivision of 35 acre or greater lot size to proceed without county review. Approximately thirteen (13) thirty-five acre lots could be developed most likely as horse properties. It is likely that these lots could be developed without the need for a Department of the Army permit and without any wetlands impacts.

The applicant provided information on other alternatives which describe efforts to reduce impacts of the golf course. The reader needs to be aware that the applicant states there will be no impacts to waters of the United States with regard to residential lot and infrastructure

development, the recreational center or park, with only a small temporary impact (20 linear feet) occurring from utilities.

The applicant provided three (3) alternatives of which two (2) can be summarized as having greater impacts to wetlands through various golf course grading plans while having limiting aspects for each. The first applicant alternative is a no golf course alternative or restated as a residential development without a golf course. Under this alternative, additional housing would be necessary to compensate for the lack of maximum derived revenue, equated to the loss of golf course revenue and reduced lot values. The loss of which would have served as a financial, social and recreational benefit to the Town of New Castle.

The second alternative is presented as a minimum earthwork alternative. This alternative would impact essentially the entire eastern drainage and approximately 6.681 acres of wetlands. The third alternative is presented as an intermediate impact alternative. This alternative was the original and applicant's preferred plan for the proposed golf course layout with approximately 3.8 acres of impact to wetlands. The current proposal for course design, developed with Corps staff input, modified the impacts of the original proposal to reduce impacts associated with fairways and hole numbers 2, 13, 14, 16 and 18. These modifications increased sidehill cut volumes by 93,000 cubic yards, but reduced impacts to wetlands by 1.46 acres.

AREA DESCRIPTION: The project site is located approximately 3/4 mile northeast of Interstate 70 at the New Castle exit. The property is located on the south slopes of a historical ranching operation and is roughly bisected by a north-south ridge and a separate cemetery parcel not included with this development project.

The wetland plant communities established in the well defined incised topography of the eastern drainage exist within a 10-40 feet band and are supported in part by irrigation water from two ditches that cross the eastern drainage. This wetlands are dominated by cattails (*Typha latifolia*), red top (*Agostis alba*), Baltic rush (*Juncus balticus*) and sandbar willow (*Salix exigua*). Other species that occur in the wetlands include foxtail barley (*Hordeum jubatum*), alkali muhly (*Muhlenbergia asperifolia*), dock (*Rumex crispis*) and sedges (*Carex spp.*). The willows occur as clumps in several locations, with wild currant existing on upper channel banks above the wetlands and some narrow-leaf cottonwoods in the upper portions of wetlands. The wetlands in the eastern drainage are generally dominated by herbaceous species while trees and shrubs are sporadic.

ADDITIONAL INFORMATION: The applicant has proposed to create 2.95 acres of wetlands at eleven (11) locations throughout the project and restore riparian vegetation along 2,500 linear feet of channel drainage (Figures 6A-6H). Existing buffer zones adjacent to non-impacted wetlands will be enhanced through the removal of grazing. Impacted buffer zones will be replaced by other well vegetated areas associated with the golf course or by areas actively revegetated as part of the erosion control plan. These new buffer areas are intended to provide improved functions, including sediment trapping, runoff dissipation and wildlife habitat. The mitigated wetlands will be created at a ratio of 1.2:1 and will be created by excavating each 11 areas to utilize an existing water source.

The applicant has also requested water quality certification from the Colorado Department of Public Health and Environment, Water Quality Control Division in accordance with Section 401 of the Clean Water Act. Written comments on water quality certification should be submitted to Mr. Phil Hegeman, Planning and Standards Section, Colorado Department of Public Health and Environment, Water Quality Control Division, 4300 Cherry Creek Drive South, Denver, Colorado, 80222-1530, on or before **March 6, 2003**.

The Colorado Department of Public Health and Environment, Water Quality Control Division also reviews each project with respect to the anti-degradation provision in state regulations. For further information regarding anti-degradation provision, please contact Mr. Hegeman at the Colorado Department of Public Health and Environment, Water Quality Control Division, telephone (303) 692-3518.

The latest published version of the National Register of Historic Places and its monthly supplements have been reviewed and there are isolated and identified cultural resources located adjacent to the permit area. At this time the Corps cannot determine if these sites will be impacted by the proposed work activity. It will be necessary for the applicant and the State Historic Preservation Office to determine the eligibility, locations and potential impacts to any cultural resources located within the permit area.

This activity would not affect any threatened or endangered species on the project site or their respective critical habitat. The Corps of Engineers will initiate consultation, based upon an applicant prepared depletion analysis, with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act on the effects of the historic water depletion from the Upper Colorado River Basin, on the listed fish species in the Colorado River. The District Engineer has made this determination based on information provided by the applicant and on the Corps' preliminary investigation.

Interested parties are invited to submit written comments on or before **March 6, 2003**. Any person may request, in writing, within the comment period specified in this notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership, and in general, the needs and welfare of the people.

For activities involving 404 discharges, a permit will be denied if the discharge does not comply with the Environmental Protection Agency's Section 404(b) (1) guidelines. Subject to the

preceding sentence and any other applicable guidelines or criteria, a permit will be granted unless the District Engineer determines it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above.

Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

You may request the complete public notice, which includes 35 additional drawings depicting impact locations, alternative considerations and mitigation proposals by contacting the Colorado/Gunnison Basin Regulatory Office at (970) 243-1199, extension 15.

Written comments on this permit application should be submitted to the District Engineer at the address listed above. Please furnish a copy of your written comments to the attention of Mr. Mark Gilfillan, Colorado/Gunnison Basin Regulatory Office, U.S. Army Engineer District, Sacramento, 402 Rood Avenue, Room 142, Grand Junction, Colorado 81501-2563. For further information, please contact Mr. Gilfillan, at telephone number (970) 243-1199, extension 15, or email Mark.A.Gilfillan@usace.army.mil.

Michael J. Conrad, Jr.
Colonel, US Army
District Engineer

Enclosures: Drawing (1)